

**Introduced by Senator Wyland**

February 18, 2010

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An act to amend Section 21004 of the Public Resources Code, relating to the environment.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1195, as introduced, Wyland. Environment: CEQA.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would make technical, nonsubstantive changes to CEQA.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 21004 of the Public Resources Code is
- 2 amended to read:
- 3 21004. In mitigating or avoiding a significant effect of a project
- 4 on the environment, a public agency may *only* exercise ~~only~~ those
- 5 express or implied powers provided by law other than this division.

- 1 However, a public agency may use discretionary powers provided
- 2 by ~~such~~ other law for the purpose of mitigating or avoiding a
- 3 significant effect on the environment subject to the express or
- 4 implied constraints or limitations that may be provided by law.